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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 LARRY GENE HEGGEM, )  
09 Plaintiff, ) CASE NO. C10-1997-RSM  
10 v. )  
11 ANDREA HOLMES, *et al.*, ) ORDER  
12 Defendants. )  
13 \_\_\_\_\_ )

14 The Court, having reviewed the pending motions, the papers filed in support of and in  
15 opposition to the motions, the Report and Recommendation of United States Magistrate Judge  
16 Mary Alice Theiler, the governing law, and the balance of the record, does hereby find and

17 ORDER:

- 18 (1) The Report and Recommendation is ADOPTED;  
19 (2) Defendant Andrea Holmes's motion to dismiss (Dkt. 23) is DENIED;  
20 (3) Defendant Marie Cross's motion to dismiss (Dkt. 24) is GRANTED and all  
21 claims against Ms. Cross are DISMISSED with prejudice;  
22 (4) Plaintiff's motion for summary judgment (Dkt. 58) is DENIED;

- 01 (5) Plaintiff is GRANTED leave to file an amended complaint within **thirty (30)**  
02 **days** of the date of this order, and defendant Andrea Holmes is DIRECTED to  
03 file an Answer within **thirty (30) days** of the filing of the amended complaint;  
04 (6) The parties are invited to file dispositive motions any time after defendant  
05 Andrea Holmes has filed her Answer;  
06 (7) Plaintiff's motion for appointment of counsel (Dkt. # 72) is DENIED;  
07 (8) This matter remains referred to the undersigned magistrate judge for all pretrial  
08 proceedings; and  
09 (9) The Clerk of Court is directed to send copies of this Order to plaintiff and to  
10 Magistrate Judge Mary Alice Theiler.

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12 DATED this 20<sup>th</sup> day of April 2012.

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15 RICARDO S. MARTINEZ  
16 UNITED STATES DISTRICT JUDGE  
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